NOTIFICATION

No. R. Fl. 5109—*Ex.* 6-21-41, *dated* 8*th May* 1923.

Dangerous Drugs Rules.

In exercise of the powers conferred by Sections 5 and 13 of the Opium Act (I of 1878) and by Chapters III and IV and Sections 29 and 71 of the Mysore Excise Regulation, 1901 and of all other powers enabling them in that behalf, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules to regulate the manufacture, possession, import, export, transport and sale of Medicinal Opium, Morphine, Heroine and Cocaine in the Mysore State in supersession of all previous rules on the subject.

These rules may be cited as the Mysore Dangerous Drugs Rules.

1. INTERPRETATION.

2. In these rules, unless there is something repugnant in the subject or context—

(*a*) "The Act" means the Opium Act, 1878.

(*b*) "Approved practitioner" means—

(i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practition is for the time being in force in any part of British India or in Mysore, or

(ii) any person registered as a dentist under the Dentist's Act, 1878, and any Act of Parliament amending the same, or

(iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentist's Act, 1878 and any Act of Parliament amending the same Acts, or under any Law for the registration of medical practitioners or dentists for the time being in force, and approved by the Deputy Commissioner for the purpose of these rules, or

(iv) any other person engaged in medical or veterinary practice and approved by the Excise Commissioner.

(*c*) "Excise Commissioner" means the Excise Commissioner in Mysore.

(*d*) "Deputy Commissioner" means the Chief Officer in charge of the revenue administration of a district for the time being, and includes any officer specially authorised by the Government or Excise Commissioner to exercise throughout the State or in any specified area therein all or any of the powers of a Deputy Commissioner under these rules.

(*e*) "Licensed chemist" means a person who has obtained a license under these rules for the manufacture, possession and sale on prescription of dangerous drugs or any of them.

(*f*) "Licensed dealer" means a person who has obtained a license under these rules for the manufacture, possession and sale otherwise than on prescription of dangerous drugs or any of them.

(*g*) "Government" means the Government of His Highness the Maharaja of Mysore.

(*h*) "State" means every part of the territory of Mysore and includes all alienated villages and jahgirs within the province.

(*i*) "Prescription" means a prescription given by an approved practitioner for the supply of a dangerous drug or drugs to a patient, which must state the name and address of the patient and must be dated and signed by the practitioner with his full name and address and qualifications.

(*j*) "Medicinal Opium" means raw opium which has been heated to 60° centigrade and contains not less than 10% of morphine, whether or not it be powdered or granulated or mixed with indifferent materials, and includes preparations and derivatives of the foregoing not being morphine or heroine.

(*k*) "Morphine" means the principal alkaloid of opium, having the chemical formula $C_{17}\ H_{19}\ NO_3$ and includes—

(i) all new derivatives of morphine or of its salts, and every other alkaloid of opium which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects,

(ii) all preparations (officinal or non-officinal, including the so-called anti-opium remedies) containing morphine or such derivatives or alkaloids as above.

(*l*) "Heroine" means diacetyl-morphine, having the chemical formula $C_{21}H_{23}NO_5$ and includes its salts and all preparations containing heroine.

(*m*) "Cocaine" means the principal alkaloid of Erythroxylon Coca, having the chemical formula $C_{17}H_{21}NO_4$ and includes—

(i) all parts of the coca plant,

(ii) all new derivatives of cocaine or of its salts which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects,

(iii) eucaine and every other preparation, synthetic or otherwise, which has a physiological effect similar to that of cocaine or which is declared by the Government to be included in the meaning of the term cocaine,

(iv) all preparations (officinal or non-officinal, including the so-called anti-opium remedies) containing cocaine or eucaine or such derivatives, salts, or preparations as above.

(*n*) "Dangerous Drug" includes medicinal opium, morphine, heroine and cocaine.

(*o*) "Ounce" means an ounce Troy-weight.

II. MANUFACTURE.

3. A licensed dealer or a licensed chemist may, subject to the conditions of his license, manufacture dangerous drugs from raw opium or from dangerous drugs lawfully possessed by him.

Note.—A licensed dealer or chemist desiring to use raw opium in the manufacture of dangerous drugs will also require the druggist's license mentioned in Rule XXI of the Opium Rules which will ordinarily be granted to him free of charge on application made by him to the Deputy Commissioner.

4. A licensed chemist may, subject to the provisions of rule 18, dispense dangerous drugs on prescription.

III. POSSESSION.

5. Any person may possess such quantity of dangerous drugs as has been at one time dispensed and sold for his use in accordance with the provisions of rules 4 and 18, or of corresponding rules for the time being in force in any part of British India.

6. An approved practitioner may possess, for his use in his practice but not for sale, not more than 120 grains of medicinal opium, 120 grains in the aggregate of morphine and heroine, and 240 grains of cocaine; provided that the Deputy Commissioner may, by special order, authorize any such practitioner to possess as aforesaid any larger quantity of any drug.

7. A person authorised in this behalf by the Deputy Commissioner by an order made under rule 20 may possess such quantity of dangerous drugs in such manner as may be specified in such order.

8. A licensed dealer or licensed chemist may possess such quantity of dangerous drugs in such manner as may be specified in his license.

9. A person to whom a pass has been granted under these rules for the import, export, or transport of dangerous drugs may possess such quantity of dangerous drugs in such manner as may be specified in his pass.

IV. IMPORT, EXPORT AND TRANSPORT.

10. Any person may import, export and transport such dangerous drugs as he may lawfully possess under rule 5.

11. An approved practitioner may import, export and transport such quantity of dangerous drugs as he may lawfully possess under rule 6.

12. A person to whom a pass has been granted under these rules for the import of dangerous drugs may import such quantity of dangerous drugs in such manner as may be specified in his pass.

13. When a pass has been granted (*a*) under the rules for the time being in force in any part of British India, or (*b*) by the Resident or Political Agent in any Indian State to bring dangerous drugs from any place in the Mysore State into such part or State, and when such pass has been countersigned by the Deputy Commissioner of the area from which the dangerous drugs are to be brought in accordance with these rules, a licensed dealer may, subject to the conditions of his license, export such quantity of dangerous drugs in such manner within such period and by such route as may be specified in such pass.

14. A person to whom a pass has been granted under these rules for the transport of dangerous drugs may transport such quantity of dangerous drugs in such manner as may be specified in his pass.

15. Every person importing, exporting or transporting dangerous drugs shall comply with such general or special directions as may be given by the Excise Commissioner.

16. Nothing in these rules shall be deemed to authorise—

(i) the import of dangerous drugs from, their export to, or their transport through any foreign territory or any part of British India or of any other State otherwise than in accordance with the laws, regulations and rules in force in such territory, part or State regarding the export, import or transport (as the case may be) of the same,

(ii) the import, export and transport of dangerous drugs by post.

V. SALE AND DISPENSING.

17. A licensed dealer may, subject to the conditions of his license, sell or supply otherwise than on prescription—

(*a*) to a dealer or chemist licensed under these rules or under the regulations or rules for the time being in force in any part of British India,

(*b*) to an approved practitioner,

dangerous drugs not exceeding the quantity which such dealer, chemist, or practitioner may lawfully possess. He shall maintain a written record of every such sale in such manner as the Excise Commissioner may direct, and every package or bottle containing cocaine sold by him shall be clearly marked with the quantity and percentage of cocaine contained in it.

18. A licensed chemist may sell dangerous drugs on prescription, subject to the following conditions, namely :—

(*a*) He shall sell dangerous drugs in such quantity and for the use of such person only as may be specified in the prescription.

(*b*) He shall in every case enter in the prescription the date of dispensing, and shal sign or seal the prescription giving his name and address.

(*c*) If the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated, and at what interval of time it is to be repeated, and how many times it is to be repeated, he shall dispense dangerous drugs once only on such prescription, and shall retain the prescription ; provided that he shall first warn the person presenting the prescription that unless it bears such a superscription as aforesaid, it will be retained.

(*d*) If the prescription bears a superscription as aforesaid, but it appears that dangerous drugs have already been dispensed on the prescription six times or such number of times as the prescription is required to be repeated, or that the interval specified in the superscription has not elapsed since the prescription was last dispensed, he shall not dispense dangerous drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner.

(*e*) Every package or bottle containing cocaine dispensed by him shall be clearly marked with the quantity and percentage of cocaine contained in it.

(*f*) Any other conditions that may be contained in his license.

He shall maintain a written record of every such dispensing in such manner as the Excise Commissioner may direct.

VI. APPROVAL, AUTHORIZATION, LICENSES AND PASSES.

19. (1) The Excise Commissioner may approve, for the purposes of rule 2 (b) of these rules, any person engaged in medical or veterinary practice.

(2) The Deputy Commissioner may in like manner approve any person possessed of the qualifications specified in rule 2 (b) (iii).

20. The Deputy Commissioner may, with the sanction of the Excise Commissioner, by general or special order, authorise any approved practitioner in managing or supervising charge of a hospital or dispensary to possess and transport such quantity of dangerous drugs in such manner as may be specified by him in that order.

21. (1) The Deputy Commissioner with the previous sanction of the Excise Commissioner may grant to any person a dealer's license, permitting him to manufacture, possess and subject to the provisions of rule 17 to sell dangerous drugs.

(2) The Deputy Commissioner may grant to any person a chemist's license, permitting him to manufacture, possess and subject to the provisions of rule 18 to sell dangerous drugs or any of them; provided that such license shall not authorise such chemist to possess a greater quantity than 1,920 grains of medicinal opium, 1,920 grains in the aggregate of morphine and heroine, and 480 grains of cocaine.

22. The Deputy Commissioner may apply through the proper channel to the Hon'ble the Resident in Mysore to grant to any licensed dealer or licensed chemist or approved practitioner a pass for the import from beyond seas or for the import from or transport through British India or for the import from an Indian State of dangerous drugs not exceeding the quantity which such dealer or chemist or practitioner may lawfully possess.

23. When a pass has been granted (a) under the regulations or rules for the time being in force in any part of British India, or (b) by the Resident or Political Agent in any Indian State to any person to bring dangerous drugs from a place in Mysore into that part or State, such person shall present such pass to the Deputy Commissioner of the area from which the dangerous drugs are to be brought, who shall enter therein the period for which the pass is to remain in force and the route by which and the person (if any) in whose charge the consignment is to be conveyed and the number and description of the packages and shall countersign the pass.

24. The Deputy Commissioner may grant to any licensed dealer or licensed chemist a pass for the transport of dangerous drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

25. Subject to the provisions of the Act and Regulation and of these rules, every license or pass under these rules shall be in such form and shall contain such particulars, and shall be granted by such officer on payment of such fees, for such period, and subject to such conditions, as the Excise Commissioner may direct.

26. (1) Subject to any directions that the Excise Commissioner may give in this behalf, the officer who has granted a license to, or has by order approved or authorised any person under these rules, may cancel or suspend such license or order—

(i) if such person has—

(a) failed to pay any duty or fee payable by him,

(b) by himself or by any servant or person acting on his behalf committed any breach of the conditions of such license or order or of these rules,

(c) been convicted of any offence under the Act, or Regulation or under the law for the time being in force relating to excise revenue, or of any criminal offence;

(ii) if it is a condition of such license or order that it may be cancelled or suspended at the will of such officer;

(iii) in any other case, after giving to such person fifteen days' notice,

and shall cancel such license or order within fifteen days on receiving from such person notice that he desires to surrender the same.

(2) When such license or order has been cancelled or suspended as aforesaid, such person shall forthwith make over to the Deputy Commissioner all dangerous drugs in his possession.

VII. DISPOSAL OF DANGEROUS DRUGS AND CONFISCATED ARTICLES.

27. The Deputy Commissioner shall cause all dangerous drugs confiscated under the Act or Regulation or delivered to him under rule 26 to be examined by the Chemical Examiner or by such other officer as the Excise Commissioner may direct. If any such drugs are certified by such officer to be fit for use, the Deputy Commissioner may sell them to any dealer or chemist licensed under these rules or under any rules for the time being in force in any part of British India or to any person authorised by an order under rule 20 or any corresponding rules in force as aforesaid. The Deputy Commissioner may require any licensed dealer or chemist to purchase at such price as the Deputy Commissioner may direct any quantity of such drugs not exceeding such quantity as the Deputy Commissioner may determine to be ordinarily saleable by him in two months. If any such drugs are certified as aforesaid to be unfit for use, the Deputy Commissioner shall cause them to be destroyed.

28. The Deputy Commissioner shall dispose of all other things confiscated in connection with any offence relating to dangerous drugs in such manner as he may think fit.

VIII. ISSUE OF SUBSIDIARY ORDERS.

29. Subject to the provisions of the Act and Regulation and of these rules, the Excise Commissioner may from time to time give such directions as he may think fit for the purpose of carrying out the provisions of the rules.

XI. REWARDS.

30. The provisions contained in the rules relating to opium issued by the Government under Sections 5 and 13 of the Opium Act, shall, in so far as they relate to rewards, apply to the case of dangerous drugs also.

31. Save as hereinbefore provided, or as permitted by exemptions notified by Government under the Opium Act, I of 1878 or under the Mysore Excise Regulation, 1901, as the case may be, the import, export, transport, manufacture, possession and sale of dangerous drugs are prohibited.

By Order,
T. E. JEYARAMA AIYAR,
Secretary to Government,
Revenue Department.